

In The United States Bankruptcy Court  
For The Southern District of Texas  
Galveston Division

In Re: Richard Kevin Gore  
Sylvia Darlene Gore  
Debtor(s)

Case No: 05-81357-G3-13

**MOTION TO DISMISS FOR FAILURE TO MAKE PAYMENTS**

COMES NOW, William E. Heitkamp, Chapter 13 Trustee filing this MOTION TO DISMISS, and would show the Court as follows:

The Chapter 13 Trustee moves to dismiss this case based on the debtor(s), failure to make required payments. At the time of the filing of this motion the debtors are delinquent \$400.00, an amount constituting not less than 2 months of required payments.

The total amount of the payments due under the plan at the time of the filing of this motion is \$11,200.00. The total of all funds paid to the Trustee as of the date of filing of this motion is \$10,800.00. An itemized payment history may be obtained by contacting the Trustee's office by phone or accessing the National Datacenter's website at [www.13datacenter.com](http://www.13datacenter.com).

**NOTICE TO DEBTORS: YOU MUST DO ONE OF THE FOLLOWING:**

1. BRING YOUR PAYMENTS CURRENT WITHIN 15 DAYS OF THE DATE ON THIS MOTION.
2. FILE A RESPONSE WITHIN 15 DAYS THAT SHOWS THAT YOUR PAYMENTS ARE CURRENT.

IF YOU FAIL TO DO SO, THE BANKRUPTCY COURT WILL PROBABLY DISMISS YOUR BANKRUPTCY CASE AND MAY DO SO WITHOUT A HEARING. THE BANKRUPTCY COURT WILL NOT ALLOW PAYMENTS TO BE MADE AT THE HEARING.

If a timely response is filed, a hearing will be held on Friday, March 5, 2010 at 11:00AM on the 7th Floor of the Federal Building, 601 Rosenberg Street, Galveston, TX.

WHEREFORE, the Trustee prays that the Court enter an Order of Dismissal or such other relief as may be deemed just and appropriate.

Respectfully Submitted,

/s/ William E. Heitkamp, Trustee  
WILLIAM E. HEITKAMP, TRUSTEE  
ADMISSIONS ID NO. 3857  
9821 KATY FREEWAY, SUITE 590  
HOUSTON, TEXAS 77024  
713-722-1200

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U. S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 1/12/2010. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U. S. Bankruptcy Clerk's Office.

Electronically signed by  
William E. Heitkamp, Chapter 13 Trustee